

UNITED STATES COURT OF APPEALS

AUG 18 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DAVID GALLAGHER; et al.,

Plaintiffs - Appellants,

v.

CITY OF WINLOCK WASHINGTON; et
al.,

Defendants - Appellees.

No. 06-35197

D.C. No. CV-05-05478-FDB
Western District of Washington,
TacomaORDER AMENDING
MEMORANDUM AND
DENYING PETITION FOR
REHEARING

Before: CUDAHY,* REINHARDT and PAEZ, Circuit Judges.

The memorandum disposition filed July 16, 2008, is amended as follows:

Page 7, delete footnote 6.

Page 7, first sentence of Part I.A.1.b (“Consent”), add the words “actual or”
before “apparent authority to grant such consent.”Page 7, replace sentence after citation to *Schneckloth v. Bustamonte* with
“Taking plaintiffs’ evidence as true, however, Taylor did not have actual authority
to consent, nor could reasonable officers have construed Taylor’s purported
consent as authorizing their entry into the Rock Castle.”

* The Honorable Richard D. Cudahy, Senior United States Circuit
Judge for the Seventh Circuit, sitting by designation.

With the above amendments, the panel has voted to deny appellees' petition for rehearing. The petition for rehearing is DENIED. No further petitions for rehearing shall be filed.